

# PLANNING APPLICATION REPORT

**Case Officer:** Lucy Hall

**Parish:** Totnes **Ward:** Totnes

**Application No:** 2021/17/PAT

**Agent/Applicant:**

Maxema Ltd  
Unit 2 Charnwood House  
Marsh Road  
Ashton  
Bristol  
BS3 2NZ

**Applicant:**

Vodafone Ltd  
The Connection  
Newbury  
Berkshire  
RG14 2FN

**Site Address:** Highways Land off, Babbage Road, Totnes, Devon

**Development:** Prior notification of proposed development by telecommunications code system operators for 17.5m shrouded monopole, 2no. microwave dishes and 2no. equipment cabinets

**Reason item is being put before Committee:** The council needs to be seen to be acting in a transparent manner in dealing with this application in view of the controversy this application has caused. This is best achieved by reference to the DMC.



## **Recommendation: Prior Approval NOT Required**

### **Key issues for consideration:**

The application is a prior notification under Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of communications equipment. The case officer is required to consider whether prior approval is required for the siting and appearance of the development.

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### **Site Description:**

The application site is located on a grass verge, immediately to the south of 'Totnes Tile and Bathroom' on the western side of Babbage Road, within the industrial estate in Totnes. The land is owned by Devon County Council. Beyond the industrial estate to the north is the River Dart and open countryside beyond, train line to the west and to the south residential properties at Borough Park Rad, Totnes Leisure Centre and Borough Park.

### **The Proposal:**

The application seeks a determination as to whether prior approval is required for a proposed telecommunications development by a Code Systems Operator and is considered under Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015. The proposal involves a 17.5m shrouded mono pole, 2 no. microwave dishes, 2 equipment cabinets and associated ancillary development.

### **Consultations:**

- Town Council

Questions to be raised with SHDC:

1. What health risk assessment has been carried out for this type of mast and its operating effect when considered alongside other nearby masts?
2. Who owns the land for the proposed mast site?
3. Visual amenity concerns – does the mast need to be so high?
4. What is the assessed justification of need?

### **Representations:**

Many letters of representation have been received all raising concerns relating to health. Concerns have also been raised regarding noise pollution, cumulative impact from existing masts within Totnes, visual impact and impact on property values.

## **ANALYSIS**

The application requires the Local Planning Authority to determine whether the proposed works constitute permitted development under Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Based on the information submitted the proposal satisfies the general criteria in Part 16.

Schedule 2, Part 16, Class A.3 (4) says that before commencing development, the developer should apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the proposed development. Planning officers are satisfied that the proposed development would sit reasonably comfortably within its context.

The mast has a proposed height of 17.5m and at this height it is accepted there will be some visual impact. However, the visual impact in this instance is not considered to be so significant that a reason of refusal could be justified or sustained at appeal. The mast would be located within an existing industrial estate which is characterised by large, utilitarian employment units. The proposed drawings show that the proposed mast is relatively slim line in appearance and will have a similar appearance to existing street lighting columns located elsewhere within the industrial estate. Existing trees to the north will help to screen the development from the countryside beyond.

With regards to the justification for the proposed height, it is stated within the supporting statement that the height has been kept to its technical minimum which will enable good coverage to the target area. The permitted development legislation allows for masts (excluding antenna) up to a height of 25m within protected areas. The proposal is some 7m below that.

The submission includes a list of alternative sites which were considered and the reasons why they were not chosen.

The application has attracted significant public interest with the submission of many letters of representation raising objection to the proposal on the grounds of concerns relating to health. Paragraphs 45 and 46 of the National Planning Policy Framework states: -

*“45. Applications for telecommunications development (including for prior approval under Part 24 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:*

- the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college or within a statutory safeguarding zone surrounding an aerodrome or technical site*
- for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission on non-ironising radiation protection guidelines*
- for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met*

*46. Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or **determine health safeguards if the proposal meets International Commission guidelines for public exposure.**”*

The application submission includes a Declaration of Conformity with the International Commission on Non-Ionising Radiation Public Exposure Guidelines (also referred to as an “ICNIRP Declaration”). On this basis the proposal complies with the above NPPF requirement in respect of public health, and refusal of the application on these grounds could not be substantiated at an appeal.

On the basis of the above it is considered that the proposed development is permitted development under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and prior approval is not required.

### **Planning Policy**

The application requires an assessment of whether the proposed development is “permitted development”. It is therefore not necessary to consider the planning merits of the application in relation to the Development Plan. The proposal is considered to comply with paragraphs 42-46 of the NPPF (Supporting high quality communications infrastructure).

### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.